

This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L DUBLIN 001471

SIPDIS

STATE FOR EUR/UBI, L/PM

E.O. 12958: DECL: 09/29/2014

TAGS: [KJUS](#) [MARR](#) [MOPS](#) [EI](#)

SUBJECT: URGENT ACTION: WITNESSES, EVIDENCE NEEDED FOR OCT  
20 TRIAL OF MARY KELLY

REF: A. SECSTATE 59570

[1](#)B. DUBLIN 00837 AND PREVIOUS

Classified By: POL/ECON CHIEF Mary E. Daly for reasons 1.4 (B) and (D)

[1](#)1. (U) This is an urgent action request. See para 5 & 6.

[1](#)2. (SBU) Summary. The Office of the Director of Public Prosecutions (DPP) of Ireland has set the new trial date of Mary Kelly for Wednesday, October 20th, 2004. The court requires Commander William Snyder, Lieutenant Commander Kurt [1](#)B. Schaedel and Chris Ludmer to serve as witnesses, and suggests Robert Saunders might wish to accompany. In addition, the prosecutor has asked permission to make use of a diplomatic note, which the USG earlier approved releasing for the related Clancy case (reftels). End Summary.

-----  
DPP vs. MARY KELLY - NEW TRIAL DATE  
-----

[1](#)3. (U) The Office of the Director of Public Prosecutions (DPP) has set a new trial date for Mary Kelly, accused of criminally damaging a US Military Aircraft at Shannon Airport. The trial will take place on Wednesday, October 20th, 2004 at the Ennis Circuit Court near Shannon Airport.

-----  
WITNESSES REQUESTED  
-----

[1](#)4. (SBU) Accordingly, the following US witnesses will be required in Ireland on 20th October 2004 until termination of court proceedings (the trial will take at least one week):

-Commander William Snyder  
-Lieutenant Commander Kurt B. Schaedel  
-Chris Ludmer

The prosecutor notes that Mr. Robert Saunders accompanied both officers at the previous trials as a legal advisor, and suggests that they might require his services on this occasion also. Gardai (National Police Force) and the DPP will pay expenses and arrange lodging for US witnesses.

[1](#)5. (SBU) ACTION REQUEST: Please confirm ASAP availability of the above named requested witnesses for the October 20 re-trial of Mary Kelly.

[1](#)6. (C) ACTION REQUEST - Re-Release of Dip Note: In March 2004, the USG gave permission for U.S. Embassy Dublin Diplomatic Note 55, dated January 27, 2003, to be released for use in the Clancy case (Ref A). (Dip Note 55 requested permission from the Irish government to land a C-40 aircraft at Shannon Airport. This is the aircraft the defendant damaged.) The Irish government, on behalf of the prosecutor, has now asked that the USG release the note for the Mary Kelly trial. Embassy requests authorization to do so. We would propose doing so in the same manner as we did in the Clancy case. In that case, we conveyed permission to use Dip Note 55 under cover of Diplomatic Note 129 of March 2004. Dip Note 129 noted that the release was a limited waiver of Article 24 of the Vienna Convention on Diplomatic Relations, under which the archives and documents of the mission are inviolable at any time and wherever they may be.

-----  
BACKGROUND  
-----

[1](#)7. (U) On January 29, 2003, Mary Kelly (aka Axe Lady), a member of the Catholic Workers/Pitstop Plowshares group attacked a US Navy aircraft, then parked on the ramp at Shannon Airport. Her attack, combined with a restrike several days later, caused approximately \$4.5 million damage to the aircraft. There have been numerous court proceedings in the case to date. The first trial ended in a hung jury on the charge of criminal damage. A retrial was scheduled for June 2004, which resulted in the Defense Team quitting the case. The Judge adjourned the case and continued it until October 2004. Since the first court hearing in 2003, the USG has been committed to supporting GOI efforts to obtain

justice in the case. At each of the hearings, we have,  
through DOS P/M, obtained witness support or provided other  
support as necessary.

KENNY